

1 ERSKINE & TULLEY  
A PROFESSIONAL CORPORATION  
2 MICHAEL J. CARROLL (St. Bar #50246)  
220 Montgomery Street, Suite 303  
3 San Francisco, CA 94104  
Telephone: (415) 392-5431

4 Attorneys for Plaintiff  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
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12 BOARD OF TRUSTEES OF THE SHEET	)	NO. C 07 5441 SI
METAL WORKERS, et al.	)	
13 Plaintiff,	)	DECLARATION OF ATTORNEY
	)	MICHAEL J. CARROLL
14 vs.	)	IN SUPPORT OF PLAINTIFF'S
	)	EX PARTE APPLICATION FOR
15 BART MILL MECHANICAL, etc.	)	ORDER TO CONTINUE CASE
	)	<u>MANAGEMENT CONFERENCE</u>
16 Defendant.	)	
	)	

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18 I, MICHAEL J. CARROLL, certify:

19 1. I am an attorney with the law firm of Erskine & Tulley,  
20 A Professional Corporation, attorneys for plaintiffs in this action.  
21 I am duly admitted to practice law in the United States District  
22 Court, Northern District of California. If called as a witness, I  
23 could and would competently testify as follows:

24 2. A First Amended Complaint has been sent out for  
25 service. No responsive pleading was filed.

26 3. Substantial payments have been paid. Plaintiff has  
27 been notified that the defendant has used a non sufficient funds check  
28 for one of its payments. That check is being replaced now.

1           4. It is requested that the Court continue the Case  
2 Management Conference some ninety days hence.

3           5. Good cause exists to grant plaintiff's request for a  
4 continuance of the Case Management Conference currently set for  
5 February 1, 2008 to May 9, 2008 to allow the parties time to settle  
6 this case and avoid any unnecessary burden to the Court.

7           I declare under penalty of perjury that the foregoing is  
8 true and correct to the best of my knowledge.

9           Executed on January 29, 2008 at San Francisco, California.

10  
11                               /s/ Michael J. Carroll  
                                  Michael J. Carroll

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104. On January 29, 2008 I served the within **DECLARATION OF ATTORNEY MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE** on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Bart Mill Mechanical  
Mary Ann Silva  
3790 Omec Circle, Suite B  
Rancho Cordova, CA 95742

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on January 29, 2008 at San Francisco, California.

/s/Sharon Eastman  
Sharon Eastman